

**STATE of NORTH CAROLINA
DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
DIVISION of WATER QUALITY**

**PERMIT NO. NCS000331
TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with applicable law, including the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

Fort Bragg and Camp MacKall

is hereby authorized to discharge stormwater and continue operation of oil water separators not associated with wastewater discharges from facilities located near:

Fayetteville, North Carolina and falling within the boundaries of
Cumberland, Hoke, Moore, Richmond, Scotland, and Harnett Counties

to receiving waters designated as James Creek, Silver Run, Polecat Creek, Thuckahoe Creek, Horse Creek, Flat Creek, Mill Creek, Dear Creek, Buffalo Creek, Hectop Creek, Jumpng Run Creek, Little Creek, Cypress Creek, McPherson Creek, Tank Creek and its tributaries, Beaver Creek , Big Branch, Little Cross Creek, Drowning Creek, Bones Creek, Little Rockfish Creek, Patterson Branch, Black Creek, Ray Mill Puddy Creek, McDuffe Creek, Nicholson Creek, Juniper Creek, Cabin Branch, Field Branch, Gum Branch, Piney Bottom Creek, Calf Creek, Wolf Pit Creek, and Stewarts Creek, and tributaries to Mott Lake, McKiethan Pond, Lake McArthur, McKellers Pond, Big Muddy Lake, Little River and its tributaries, Creek Pond, Smith Lake, McFayden Pond, Texas Pond, Beaver Creek, Bonnie Doone Lake, Stewarts Creek, and Big Branch in the Cape Fear River Basin [and to receiving waters designated as Drowning Creek and its tributaries at Camp MacKall in the Lumber River Basin] in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI, VII and VIII hereof.

This permit shall become effective April 1, 2011.

This permit and the authorization to discharge are subject to applicable law and shall expire at midnight on March 31, 2016.

Signed this day March 1, 2011.

Coleen H. Sullins, Director
Division of Water Quality
By the Authority of the Environmental Management Commission

THIS PAGE INTENTIONALLY BLANK

TABLE OF CONTENTS

PART I	PERMIT COVERAGE
PART II	FINAL LIMITATIONS AND CONTROLS FOR PERMITTED DISCHARGES
	SECTION A: PROGRAM IMPLEMENTATION
	SECTION B: PUBLIC EDUCATION AND OUTREACH
	SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION
	SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION
	SECTION E: CONSTRUCTION SITE RUNOFF CONTROLS
	SECTION F: POST-CONSTRUCTION SITE RUNOFF CONTROLS
	SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING
	SECTION H: INDUSTRIAL ACTIVITIES
	SECTION H: OIL WATER SEPARATORS
	SECTION J: MONITORING REQUIREMENTS
	SECTION K: IMPAIRED WATERS
	SECTION L: TOTAL MAXIMUM DAILY LOADS (TMDLs)
PART III	PROGRAM ASSESSMENT
PART IV	REPORTING AND RECORD KEEPING REQUIREMENTS
PART V	STANDARD CONDITIONS
	SECTION A: COMPLIANCE AND LIABILITY
	SECTION B: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS
	SECTION C: MONITORING AND RECORDS
PART VI	LIMITATIONS REOPENER
PART VII	ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS
PART VIII	DEFINITIONS

THIS PAGE INTENTIONALLY BLANK

PART I PERMIT COVERAGE

1. During the period beginning on the effective date of the permit and lasting until expiration, Fort Bragg and Camp MacKall, herein referred to as Fort Bragg, is authorized to discharge stormwater from the storm drainage system and continue operation of oil water separators not associated with wastewater discharges to receiving waters designated as James Creek, Silver Run, Polecat Creek, Thuckahoe Creek, Horse Creek, Flat Creek, Mill Creek, Dear Creek, Buffalo Creek, Hectop Creek, Jumpng Run Creek, Little Creek, Cypress Creek, McPherson Creek, Tank Creek and its tributaries, Beaver Creek , Big Branch, Little Cross Creek, Drowning Creek, Bones Creek, Little Rockfish Creek, Patterson Branch, Black Creek, Ray Mill Puddy Creek, McDuffe Creek, Nicholson Creek, Juniper Creek, Cabin Branch, Field Branch, Gum Branch, Piney Bottom Creek, Calf Creek, Wolf Pit Creek, and Stewarts Creek, and tributaries to Mott Lake, McKiethan Pond, Lake McArthur, McKellers Pond, Big Muddy Lake, Little River and its tributaries, Creek Pond, Smith Lake, McFayden Pond, Texas Pond, Beaver Creek, Bonnie Doone Lake, Stewarts Creek, and Big Branch in the Cape Fear River Basin [and to receiving waters designated as Drowning Creek and its tributaries at Camp MacKall in the Lumber River Basin]. Such discharge will be controlled, limited and monitored in accordance with Fort Bragg's Comprehensive Stormwater Management Program Plan, herein referred to as the Stormwater Plan. The Stormwater Plan must detail Fort Bragg's stormwater management program for the five-year term of the stormwater permit including, for each of the measure identified in the permit, a narrative description of the program, a table that identifies each best management practice (BMP) used, the frequency of the BMP, the measurable goals for each BMP, the implementation schedule, funding and the responsible person or position for implementation, title and responsibilities for implementing this permit. If major modifications are proposed to the Stormwater Plan, the Division will be notified of the reasons and justifications for these changes. The Division may comment on these changes as deemed necessary to assure appropriate implementation of the Stormwater Plan. No provisions of this permit shall be interpreted as or constitute a commitment that Fort Bragg will obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. Section 1341.
2. All discharges authorized herein shall be lawfully managed in accordance with the terms and conditions of this permit. Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization, or approval.
3. This permit does not relieve Fort Bragg from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.
4. This permit covers current and future activities associated with the discharge of stormwater from the Fort Bragg.
5. Under the authority of Section 402(p) of the Clean Water Act and implementing regulations 40 CFR Part 122, 123 and 124, North Carolina General Statutes 143-215.1 and Session Law 2006-246 and in accordance with the approved Stormwater Plan, all provisions contained and referenced in the Stormwater Plan are enforceable parts of this permit. Fort Bragg will develop and implement its approved Stormwater Plan in accordance with Section 402(p)(3)(B) of the Clean Water Act, provisions outlined by the Director, and the provisions of this permit.

6. The permit requires the development and proper implementation of the Stormwater Plan. The purpose of the Stormwater Plan is to reduce the discharge of pollutants from Fort Bragg to the maximum extent practicable, to protect water quality, and to satisfy the applicable water quality requirements of the Clean Water Act. Implementation of best management practices consistent with the provisions of the Stormwater Plan constitutes compliance with the standard of reducing pollutants to the maximum extent practicable. Successive iterations of the Stormwater Plan and other components of this permit will be driven by the objective of assuring that discharges do not cause or contribute to the violation of water quality standards, through the expansion and tailoring of management measures within the scope of the Stormwater Plan.
7. The permit authorizes the point source discharge of stormwater runoff from Fort Bragg. In addition, discharges of non-stormwater are also authorized through the MS4 if such discharges are:
 - (a) Permitted by, and in compliance with, another NPDES discharge permit including discharges of process and non-process wastewater, and stormwater associated with industrial activity; or
 - (b) Determined to be incidental non-stormwater flows that do not significantly impact water quality and may include:
 - water line flushing;
 - landscape irrigation;
 - diverted stream flows;
 - rising groundwaters;
 - uncontaminated groundwater infiltration;
 - uncontaminated pumped groundwater;
 - discharges from potable water sources;
 - foundation drains;
 - air conditioning condensate (commercial/residential);
 - irrigation water;
 - springs;
 - water from crawl space pumps;
 - footing drains;
 - lawn watering;
 - residential and charity car washing;
 - flows from riparian habitats and wetlands;
 - dechlorinated swimming pool discharges;
 - street wash water;
 - flows from emergency fire fighting;
 - releases of clean waters from hydrostatic testing

The Division may require that non-stormwater flows of this type be controlled by Fort Bragg's Stormwater Plan.

PART II FINAL LIMITATIONS AND CONTROLS FOR PERMITTED DISCHARGES

SECTION A: PROGRAM IMPLEMENTATION

Fort Bragg will implement, manage and oversee all provisions of its Stormwater Plan to reduce pollutants discharged from Fort Bragg. This includes, but is not limited to, the following areas:

1. Fort Bragg will develop and maintain a Stormwater Plan with the authority to implement all provisions of the Stormwater Plan. Fort Bragg, will keep the Division advised of the status of development of appropriate authorities and will pursue these authorities in accordance with the schedule outlined in the Stormwater Plan. If major modifications are proposed to the Stormwater Plan, the Division will be notified the reasons and justifications for those changes. The Division may comment on modifications as deemed necessary to assure appropriate implementation of the Stormwater Plan.
2. Fort Bragg's Stormwater Plan will be implemented and managed such that the discharge of pollutants from Fort Bragg is reduced to the maximum extent practicable. It is anticipated that in order to meet this provision, implementation of the Stormwater Plan will occur with emphasis given to priority areas and to management measures and programs that are most effective and efficient at varying stages of the plan's implementation.
3. Fort Bragg will maintain adequate funding and staffing to implement and manage the provisions of the Stormwater Plan.
4. Fort Bragg will implement programs to address the contribution of pollutants to the storm drainage system from industrial areas including planning, monitoring, education, and operation and maintenance activities.
5. Fort Bragg will implement the components of the Stormwater Plan to prohibit, to the maximum extent practicable, illicit connections, spills and illegal dumping.
6. Fort Bragg will implement provisions of the Stormwater Plan as appropriate to monitor and assess the performance of the various management measures that are a part of the Stormwater Plan and of this permit.
6. Fort Bragg will implement appropriate education, training, outreach, and public involvement programs to support the objectives of this stormwater discharge permit and the Stormwater Plan.
7. Fort Bragg will implement a program to reduce pollution from construction site runoff as described in the Stormwater Plan and in accordance with this permit.
9. Fort Bragg will implement a monitoring program as described herein. Monitoring will be used to assess the effectiveness of program components and modify program components as necessary.

SECTION B: PUBLIC EDUCATION AND OUTREACH**1. Objectives for Public Education and Outreach**

Distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

2. BMPs for Public Education and Outreach

Fort Bragg shall implement the following BMPs to meet the objectives of the Public Education and Outreach Program.

BMP	Measurable Goals
(a) Goals and Objectives	Within 12 months of the effective date of this permit, Fort Bragg shall define the goals and objectives of the Bases Public Education and Outreach Program based on at least three high priority community wide issues.
(b) Identify target pollutants and/or stressors	Within 12 months of the effective date of this permit, Fort Bragg shall identify and maintain a description of the target pollutants and/or stressors and likely sources.
(c) Identify target audiences	Within 12 months of the effective date of this permit, Fort Bragg shall identify, assess annually and update as necessary target audiences likely to have significant storm water impacts and why they were selected.
(d) Identify residential and industrial/commercial issues	Within 24 months of the effective date of this permit, Fort Bragg shall identify and describe issues, such as specific pollutants, the sources of those pollutants, impacts on biology, and the physical attributes of stormwater runoff, in their education/outreach program. A minimum of three residential and three industrial/commercial issues should be targeted as part of the education/outreach program.
(e) Identify and describe watersheds in need of protection and the issues that may threaten the quality of these waters	Within 36 months of the effective date of this permit, where applicable, the education/outreach program shall identify and describe watersheds in need of protection and the issues that may threaten the quality of these waters.
(f) Informational Web Site	Within 36 months of the effective date of this permit, Fort Bragg shall develop, promote, maintain, assess and update as necessary internet web site.

BMP	Measurable Goals
(g) Distribute public education materials to identified target audiences and user groups. For example, schools, homeowners, and/or businesses.	Within 36 months of the effective date of this permit, Fort Bragg shall develop, distribute, assess and update as necessary stormwater educational material to appropriate target groups in such a way that is designed to convey the program's message to the target audience each year. Instead of developing its own materials, Fort Bragg may rely on Public Education and Outreach materials supplied by the state, and/or other entities through a cooperative agreement, as available, when implementing its own program.
(h) Maintain Hotline/Help line	Within 36 months of the effective date of this permit, Fort Bragg shall promote and maintain a stormwater hotline/helpline. Fort Bragg may utilize an existing hotline/helpline so long as it also promotes for stormwater concerns or may train staff to transfer calls to the stormwater administrator.
(i) Implement a Public Education and Outreach Program.	Within 36 months of the effective date of this permit, Fort Bragg's outreach program shall include a combination of approaches that are most effective at reaching the identified target audiences based on data and information collected by Fort Bragg. For each media, event or activity, including those elements implemented locally or through a cooperative agreement measure and record the extent of exposure.
(j) Evaluate program effectiveness	Within 36 months of the effective date of this permit, Fort Bragg shall assess its stormwater education/outreach program and update as necessary. Fort Bragg must adjust its educational materials and the delivery of such materials to address any shortcomings found as a result of this assessment. Within the permit term, Fort Bragg must assess changes in public awareness and behavior resulting from the implementation of the program.

SECTION C: PUBLIC INVOLVEMENT AND PARTICIPATION**1. Objectives for Public Involvement and Participation**

Comply with State and local public notice requirements when implementing a public involvement and participation program.

2. BMPs for Public Involvement and Participation

Fort Bragg shall implement the following BMPs to meet the objectives of the Public Involvement and Participation.

BMP	Measurable Goals
a. Allow the public an opportunity to review and comment on the Stormwater Plan	Fort Bragg shall conduct at least one public meeting during the term of the permit to allow the public an opportunity to review and comment on the Stormwater Plan.
b. Volunteer community involvement program	Within 48 months of the effective date of this permit, Fort Bragg shall include and promote volunteer opportunities as part of its stormwater program designed to promote ongoing participation.
c. Mechanism for Public involvement	Within 48 months of the effective date of this permit, Fort Bragg shall provide and promote a mechanism for public involvement that provides for input on stormwater issues and the stormwater program. Fort Bragg may establish a stand-alone group or utilize an existing group or processes.
d. Hotline/Help line	Within 36 months of the effective date of this permit, Fort Bragg shall promote and maintain hotline/helpline.

SECTION D: ILLICIT DISCHARGE DETECTION AND ELIMINATION**1. Objectives for Illicit Discharge Detection and Elimination**

- a. Develop, implement and enforce a program to detect and eliminate illicit discharges into your small MS4.
- b. Develop and maintain a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- c. Effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- d. Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system; and
- e. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- f. Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).

2. BMPs for Illicit Discharge Detection and Elimination

Fort Bragg shall implement the following BMPs to meet the objectives of the Illicit Discharge Detection and Elimination Program.

BMP	Measurable Goals
a. Maintain a Storm Sewer System Base Map of Major Outfalls.	Within the term of this permit, Fort Bragg shall develop, maintain, assess and update as necessary a map identifying major outfalls. At a minimum, components include major outfalls and receiving streams, and type of conveyance system (i.e., either closed pipe or open drainage). For closed pipe systems identify the pipe material, shape, and size.
b. Detect dry weather flows	Within the term of this permit, Fort Bragg shall develop and implement a program for conducting regular dry weather flow field observations in accordance with written field screening procedure for detecting and tracing the sources of illicit discharges and for removing the sources or reporting the sources to the State to be properly permitted.

BMP	Measurable Goals
c. Investigations into the source of all identified illicit discharges.	Within the term of this permit, Fort Bragg shall maintain, assess annually and update as necessary written procedures for conducting investigations into the source of all identified illicit discharges, including approaches to requiring such discharges to be eliminated.
d. Track investigations and document illicit discharges	Within the term of this permit, Fort Bragg shall track all investigations and document the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
e. Employee Training	Within the term of this permit, Fort Bragg shall implement and document a training program for appropriate personnel, who, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system. The training program shall identify appropriate personnel, the schedule for conducting the training and the proper procedures for reporting and responding to an illicit discharge or connection. Follow-up training must be provided as needed to address changes in personnel, procedures, or techniques.
f. Provide Public Education	Within the term of this permit, Fort Bragg shall inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
g. Reporting mechanism	Within the term of this permit, Fort Bragg shall promote, publicize, and facilitate a reporting mechanism for the public and staff to report illicit discharges and establish and implement citizen request response procedures. Fort Bragg must conduct reactive inspections in response to complaints and follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party to achieve and maintain compliance.
h. Procedures to identify and report sanitary sewer overflows.	Within the term of this permit, Fort Bragg shall establish and implement assess annually, and update as necessary written procedures to identify and report sanitary sewer overflows and sewer leaks to the system operator.

SECTION E: CONSTRUCTION SITE RUNOFF CONTROLS

1. Compliance with the NCDENR Division of Land Resources Erosion and Sediment Control Program effectively meets the requirements of the Construction Site Runoff Controls. This program is authorized under the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code. This program includes procedures for public input, sanctions to ensure compliance, requirements for construction site operators to implement appropriate erosion and sediment control practices, review of site plans which incorporates consideration of potential water quality impacts, and procedures for site inspection and enforcement of control measures. The NCG010000 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
2. Fort Bragg must provide and promote a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems. Fort Bragg may implement a plan promoting the existence of the NCDENR, Division of Land Resources "Stop Mud" hotline to meet the requirements of this paragraph.

SECTION F: POST-CONSTRUCTION SITE RUNOFF CONTROLS

1. Objectives for Post-Construction Site Runoff Controls

- a. Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects, including public transportation maintained by Fort Bragg, that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. The program must apply to private development sites and sites developed by Fort Bragg, including public transportation maintained by Fort Bragg.
- b. Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the base; and
- c. Ensure adequate long-term operation and maintenance of BMPs.

2. Post-Construction Site Runoff Controls

- a. Construction projects that are performed by, or under contract for, Fort Bragg, including roads and bridges must meet the requirements the stormwater management and water quality protection required by Session Law 2006-246. Roads and bridges must minimize built-upon surfaces, divert stormwater away from surface waters as much as possible and employ other best management practices to minimize water quality impacts to the maximum extent practicable. To comply with the Post Construction requirements, Fort Bragg shall submit an application and appropriate fee to the Division for all projects, including public roads and bridges, that disturb greater than or equal to one acre including projects less than one acre that are part of a larger common plan of development. All designs shall comply with the State BMP Manual. The state will withhold approvals for projects not meeting the design standards in Session Law 2006-246.
- b. Comprehensive Watershed Protection Plans. Fort Bragg may develop and implement a comprehensive watershed protection plan, approved by the State, to meet part or all of the requirements for a post-construction program.
- c. By the base adopting a Post-Construction Program that complies with the requirements of 15A NCAC 02H .1020 and the requirements of 15A NCAC 02B .0104(f) otherwise known as the Universal Stormwater Management Program (USMP), the base meets the requirement to develop and implement a Post-Construction Program. The base may elect to have the Division of Water Quality administer and implement the Universal Stormwater Management Program, either whole or in part, following their adoption of the program. Adoption of the USMP may not satisfy water quality requirements associated with the protection of threatened or endangered species or those requirements associated with a Total Maximum Daily Load (TMDL).

SECTION G: POLLUTION PREVENTION AND GOOD HOUSEKEEPING**1. Objective for Pollution Prevention and Good Housekeeping**

- a. Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff.
- b. Provide employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

2. BMPs for the Pollution Prevention and Good Housekeeping

Fort Bragg shall implement the following BMPs to meet the objectives of the Pollution Prevention and Good Housekeeping Program.

BMP	Measurable Goals
a. Inventory of facilities and operations with the potential for generating polluted stormwater runoff	Within the term of this permit, Fort Bragg shall develop an inventory of facilities and operations with the potential for generating polluted stormwater runoff.
b. Map facilities and operations with the potential for generating polluted stormwater runoff	Within the term of this permit, Fort Bragg shall map facilities and operations with the potential for generating polluted stormwater runoff. The map must identify the stormwater outfalls corresponding to each of the facilities as well as the receiving waters to which these facilities discharge. The map must be maintained and updated annually and be available for review by the permitting authority.
c. Operation and Maintenance (O&M) for facilities and operations with the potential for generating polluted stormwater runoff	Within the term of this permit, Fort Bragg shall develop an Operation and Maintenance (O&M) program for facilities and operations with the potential for generating polluted stormwater runoff. The O&M program shall specify the frequency of inspections and routine maintenance requirements.
d. Spill Response Procedures for facilities and operations with the potential for generating polluted stormwater runoff	Within the term of this permit, Fort Bragg shall have written spill response procedures for facilities and operations with the potential for generating polluted stormwater runoff.
e. Streets, roads, and public parking lots maintenance	Fort Bragg shall evaluate BMPs to reduce polluted stormwater runoff from streets, roads, and parking lots. Street sweeping and seasonal leaf pick-up must be included in this evaluation. Within 24 months of the effective date of the permit, Fort Bragg must update its Stormwater Plan to include the BMPs selected.

BMP	Measurable Goals
f. Streets, roads, and public parking lots maintenance	Within 36 months, Fort Bragg shall implement BMPs selected to reduce polluted stormwater runoff from municipally-owned streets, roads, and public parking lots within their jurisdiction. Fort Bragg must evaluate the effectiveness of these BMPs based on cost and the estimated quantity of pollutants removed.
g. Operation and Maintenance (O&M) for catch basins and conveyance systems	Within the term of this permit, Fort Bragg shall develop an O&M program for the stormwater sewer system including catch basins and conveyance systems. The O&M program shall include route maps and specify the frequency of inspections and routine maintenance requirements.
h. Identify and map for structural stormwater controls	Within the term of this permit, Fort Bragg shall identify and map structural stormwater controls. The map must identify the stormwater outfalls corresponding to each structural stormwater control as well as the receiving waters to which these facilities discharge. The map must be maintained and updated regularly and be available for review by the permitting authority.
i. O&M for structural stormwater controls	Within the term of this permit, Fort Bragg shall develop an O&M program for structural stormwater controls. The O&M program shall specify the frequency of inspections and routine maintenance requirements. Fort Bragg shall inspect and maintain if necessary, all structural stormwater controls in accordance with the schedule developed by Fort Bragg. Fort Bragg shall document inspections and maintenance of all structural stormwater controls.
j. Pesticide, Herbicide and Fertilizer Application Management.	<p>Within the term of this permit, Fort Bragg shall implement practices to minimize landscaping-related pollutant generation, including, educational activities, permits, certifications, and other measures for applicators and distributors.</p> <p>Within the term of this permit, Fort Bragg shall ensure base personnel and contractors are properly trained and all permits, certifications, and other measures for applicators are followed.</p>
k. Staff training	Within the term of this permit, Fort Bragg shall develop a training program for personnel involved in implementing pollution prevention and good housekeeping practices.
l. Prevent or Minimize Contamination of Stormwater Runoff from all areas used for Vehicle and Equipment Cleaning	Within the term of this permit, Fort Bragg shall describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning.

SECTION H: INDUSTRIAL ACTIVITIES

1. Objective

Develop, maintain and implement a Stormwater Pollution Prevention Plan (Plan) for each facility with an industrial activity that is covered by this permit.

2. Industrial Activities as defined in 40 CFR 122.26 (b)(14)

- a. Fort Bragg shall implementation of the requirements of General Permit NCG080000, to control stormwater point source discharges associated with activities that have vehicle maintenance areas (including vehicle rehabilitation, mechanical repair, painting, fueling, lubrication, equipment cleaning operation areas and like activities deemed by DWQ to be similar in the process and/or the exposure of raw materials, products, by-products, or waste materials). Implementation of the requirements of General Permit NCG080000 constitutes compliance with the requirements develop, maintain and implement a Stormwater Pollution Prevention Plan (Plan) and Monitoring Plan for each facility and/or area with an industrial activity covered by this permit.
- b. Fort Bragg shall implementation of the requirements of General Permit NCG150000, to control stormwater point source discharges associated with industrial activity from Air Transportation including air transportation, airports, and aircraft service and maintenance including: aircraft cleaning; aircraft servicing/repairing, and aircraft maintenance shops (including aircraft and equipment rehabilitation, mechanical repairs, painting, fueling, lubrication); and material handling facilities. Implementation of the requirements of General Permit NCG150000 constitutes compliance with the requirements develop, maintain and implement a Stormwater Pollution Prevention Plan (Plan) and Monitoring Plan for each facility and/or area with an industrial activity covered by this permit.
- c. Fort Bragg shall seek coverage under the NPDES program for their wastewater treatment plant. Coverage under the general permit, NCG11000, is applicable to all owners or operators of stormwater point source discharges associated Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, with a design flow of 1.0 million gallons per day or more, or required to have an approved pretreatment program under Title 40 Code of Federal Regulations (CFR) Part 403, including lands dedicated to the disposal of sewage sludge that is located within the confines of the facility.

3. Base wide Stormwater Pollution Prevention Plan (Plan) and Monitoring Plan

In lieu of complying with the requirements of paragraph 2 of this section, Fort Bragg may propose and submit to the Division for their approval a base wide Stormwater Pollution Prevention Plan (Plan) and Monitoring Plan for the base that effectively meets the requirements develop, maintain and implement a Stormwater Pollution Prevention Plan (Plan) and Monitoring Plan for each facility and/or area with an industrial activity covered by this permit.

SECTION I: OIL WATER SEPARATORS

All oil water separators that discharge to either the stormwater system, directly into the waters of the state, or have engineered diversionary catchment basins, including in the event of a bypass, will be fully described in the SPPP. The description will include:

- a) The location of the oil water separator
- b) The activities that occur in the oil water separator's drainage area
- c) The materials that are handled in the drainage area
- d) The name of the water body to which it drains
- e) The number of the outfall that the oil water separator discharges into
- f) The drainage area draining into the oil water separator
- g) The oil water separator's design capacity

SECTION J: MONITORING REQUIREMENTS

1. Fort Bragg shall implement a monitoring program as outlined in the Stormwater Program to prioritize areas of the program and to assess the effectiveness of program components. These monitoring results will be used by Fort Bragg to modify the program components as necessary to accomplish the intent of the Stormwater Program. Results of the monitoring program will be submitted to the Division according to the provisions of Part IV of this permit. Analytical monitoring is required as part of the monitoring program in accordance with the provisions of the Stormwater Program. The parameters to be monitored are those that have the potential to be present at the outfalls based on industrial activities. Description of the location of each sample point, the activities which they drain, and the water bodies to which they drain are described in the Stormwater Pollution Prevention Plan (SPPP).
 - a. The following list of parameters shall be monitored during a storm event, for Vehicle maintenance areas, designated in the SPPP as site 3-3 (outfall 53 to McPherson Creek), site 6-3 (outfall to an unnamed tributary to Stewarts Creek), site 7-1 (outfall to Big Branch), site 7-3 (outfall to Beaver Creek), and site 8-1 (combined outfalls 20, 21, and 76 to an unnamed tributary to Bonnie Doone Lake).

Parameter	Units	Measurement Frequency	Sample Type
Total Suspended Solids (TSS)	mg/l	Once per year	Grab
Oil and Grease	mg/l	Once per year	Grab
pH	Standard Units	Once per year	Grab
Lead (total)	ug/l	Once per year	Grab
New motor Oil Usage	Gallons/month	Once per year	
Total Flow	MG	Once per year	
Event Duration	Minutes	Once per year	
Total Rainfall	inches	Once per year	

- b. The following list of parameters shall be monitored during a storm event, for material handling areas, designated in the SPPP as site 4-2 (outfall to Tank Creek), site 8-2 (outfall 93 to an unnamed tributary to Beaver Creek), and site 8-3 (combined outfalls 18 and 19 to an unnamed tributary to Beaver Creek).

Parameter	Units	Measurement Frequency	Sample Type
Total Suspended Solids (TSS)	mg/l	Once per year	Grab
Cadmium (total)	ug/l	Once per year	Grab
Oil and Grease	mg/l	Once per year	Grab
pH	Standard Units	Once per year	Grab
Lead (total)	ug/l	Once per year	Grab
Chemical Oxygen Demand	mg/l	Once per year	Grab
Total Flow	MG	Once per year	
Event Duration	Minutes	Once per year	
Total Rainfall	inches	Once per year	

- c. The following list of parameters shall be monitored during a storm event, for fueling areas, designated in the SPPP as site 3-14 (outfall 61).

Parameter	Units	Measurement Frequency	Sample Type
Oil and Grease	mg/l	Once per year	Grab
Lead (total)	ug/l	Once per year	Grab
Chemical Oxygen Demand	mg/l	Once per year	Grab
Naphthalene	mg/l	Once per year	Grab
Total Flow	MG	Once per year	
Event Duration	Minutes	Once per year	
Total Rainfall	inches	Once per year	

- d. The following list of parameters shall be monitored during a storm event, for the airfield, designated in the SPPP as site 8-4 (outfall 22 to Cross Creek).

Parameter	Units	Measurement Frequency	Sample Type
Total Suspended Solids (TSS)	mg/l	Once per year	Grab
Oil and Grease	mg/l	Once per year	Grab
pH	Standard Units	Once per year	Grab
Lead (total)	ug/l	Once per year	Grab
Detergents (MBSA)	mg/l	Once per year	Grab
Ethylene Glycol	mg/l	Once per year	Grab
Chemical Oxygen Demand	mg/l	Once per year	Grab
Total Flow	MG	Once per year	
Event Duration	Minutes	Once per year	
Total Rainfall	inches	Once per year	

- e. Ambient Monitoring. The following list of parameters shall be monitored at two points, a point north of Texas Pond and Simmons Airport and the other at Flat Creek near Inverness.

Parameter	Units	Measurement Frequency	Sample Type
Total Suspended Solids (TSS)	mg/l	Once per year	Grab
Cadmium (total)	ug/l	Once per year	Grab
Oil and Grease	mg/l	Once per year	Grab
pH	Standard Units	Once per year	Grab
Lead (total)	ug/l	Once per year	Grab
Chemical Oxygen Demand	mg/l	Once per year	Grab
Naphthalene	mg/l	Once per year	Grab
Detergents (MBSA)	mg/l	Once per year	Grab
Ethylene Glycol	mg/l	Once per year	Grab
Instantaneous Flow	gpm	Once per year	

- ¹. Ethylene Glycol shall be monitored for the next representative storm event following its use as a de-icing agent. If de-icing agents are not used, the base will not need to monitor for Ethylene Glycol.

f. Analytical Monitoring Schedule.

Monitoring Period	Start	End
Year 1	April 1, 2011	March 31, 2012
Year 2	April 1, 2012	March 31, 2013
Year 3	April 1, 2013	March 31, 2014
Year 4	April 1, 2014	March 31, 2015
Year 5	April 1, 2015	March 31, 2016

- g. Qualitative monitoring (color, odor, clarity, floating solids, suspended solids, foam, oil sheen, erosion or deposition at the outfall, and other visual indicators of stormwater pollution) requires a visual inspection of each stormwater outfall associated with industrial activities and/or oil water separators regardless of representative outfall status. No analytical tests are required. Qualitative monitoring of stormwater outfalls does not need to be performed during a representative storm event. All qualitative monitoring will be performed twice per year, once during the spring (April-June) and once in the fall (September-November). If the permittee's qualitative monitoring indicates either that existing stormwater BMPs are ineffective, or that significant stormwater contamination is present, the permittee shall investigate potential causes, evaluate the feasibility of corrective actions, and implement those corrective actions appropriate. A written record of the permittee's investigation, evaluation, and response actions shall be kept in the Stormwater Pollution Prevention Plan.
2. Implementation of the requirements of General Permit NCG080000 constitutes compliance with the requirements develop, maintain and implement a Monitoring Plan for each facility and/or area with an industrial activity covered by this permit.
 3. Fort Bragg may propose and submit to the Division for their approval modifications to the base wide Monitoring Plan that effectively meets the requirements develop, maintain and implement a Monitoring Plan for each industrial activity covered by this permit.

SECTION K: IMPAIRED WATERS**1. Objective**

Comply with all applicable state water quality standards (WQS).

2. BMPs.

Fort Bragg shall implement the following BMPs to meet the objective to comply with all applicable state water quality standards.

BMP	Measurable Goals
a. Identify, describe and map watershed, outfalls, and streams.	<p>If a stream is added to the 303(d) list of impaired streams during the term of the permit, the Fort Bragg's Stormwater Management Plan shall be updated within 12 months to 1) identify impaired streams added 2) identify the watershed(s), 3) provide a description of the watershed(s) and 4) include a map of watershed(s) showing streams & major outfalls.</p> <p>If a stream is listed on the 303(d) list of impaired streams on or before the effective date of this permit, the Fort Bragg's Stormwater Management Plan shall be updated within 12 months of the effective date of this permit to 1) identify impaired streams added 2) identify the watershed(s), 3) provide a description of the watershed(s) and 4) include a map of watershed(s) showing streams & major outfalls.</p>
b. Describe the likely cause(s) of the impairment and/or the pollutant or pollutants of concern.	<p>If a stream within Fort Bragg is added to the 303(d) list of impaired streams during the term of the permit, the Fort Bragg's Stormwater Management Plan shall be updated within 24 months to describe the likely cause(s) of the impairment (e.g., sediment, fertilizers, pollutants of concern, or the amount of stormwater runoff).</p> <p>If a stream is listed on the 303(d) list of impaired streams on or before the effective date of this permit, Fort Bragg's Stormwater Management Plan shall be updated within 24 months of the effective date of this permit to describe the likely cause(s) of the impairment (e.g., sediment, fertilizers, pollutants of concern, or the amount of stormwater runoff).</p>
c. Describe existing programs, controls, partnerships, projects and strategies.	<p>If a stream within Fort Bragg is added to the 303(d) list of impaired streams during the term of the permit, the Fort Bragg's Stormwater Management Plan shall be updated within 36 months to describe existing programs, controls, partnerships, projects and strategies implemented by Fort Bragg to address the impaired water(s).</p> <p>If a stream is listed on the 303(d) list of impaired streams on or before the effective date of this permit, the Fort Bragg's Stormwater Management Plan shall be updated within 36 months of the effective date of this permit to describe existing programs, controls, partnerships, projects and strategies implemented by Fort Bragg to address the impaired water(s).</p>

BMP	Measurable Goals
d. Assessment of existing programs, controls, partnerships, projects and strategies	Fort Bragg shall annually assess the effectiveness of existing programs, controls, partnerships, projects and strategies implemented by Fort Bragg to address the impaired water(s).
e. Additional programs, controls, partnerships, projects and strategies that may be reasonably expected to achieve WQS	As part of the annual assessment Fort Bragg shall identify additional programs, controls, partnerships, projects and strategies that may be necessary to address the impaired water(s) and how those measures address the impaired water(s). Fort Bragg shall develop a schedule to implement additional programs, controls, partnerships, projects and strategies that may necessary to address the impaired water(s).

SECTION L: TOTAL MAXIMUM DAILY LOADS (TMDLs)**1. Objective of a Water Quality Recovery Program**

Comply with all applicable state water quality standards.

2. Requirements for a Water Quality Recovery Program

Fort Bragg shall determine whether a TMDL has been developed and approved or established by EPA for the receiving water(s) of the MS4 stormwater discharge and/or downstream waters into which the receiving water directly flows. At any time during the effective dates of this permit, if Fort Bragg becomes subject to an approved TMDL, Fort Bragg shall develop a Water Quality Recovery Program that includes the following BMPs.

BMP	Measurable Goals
a. Water Quality Recovery Plan (WQRP): Identify, describe and map watershed, outfalls, and streams.	<p>Within 12 months Fort Bragg shall develop a WQRP that:</p> <ul style="list-style-type: none"> • Identify the watershed(s), • Include a description of the watershed(s), • Include a map of watershed(s) showing streams & outfalls • Identify the locations of currently known MS4 outfalls within its jurisdictional area with the potential of contributing to the cause(s) of the impairment to the impaired segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments and • Include a schedule to discover and locate other MS4 outfalls within its jurisdictional area that may be contributing to the cause of the impairment to the impaired stream segments, to their tributaries, and to segments and tributaries within the watershed contributing to the impaired segments.
b. WQRP: Describe the likely cause(s) of the impairment and/or the pollutant(s) of concern.	Within 12 months the WQRP shall describe the likely cause(s) of the impairment.
c. WQRP: Assessment of the monitoring data	Within 24 months, the WQRP shall include an assessment of available monitoring data. Where long-term data is available, this assessment should include an analysis of the data to show trends.
d. WQRP: Existing programs, controls, partnerships, projects and strategies.	Within 24 months, the WQRP shall describe existing programs, controls, partnerships, projects and strategies to address impaired waters and a brief explanation as to how the programs, controls, partnerships, projects and strategies will achieve Water Quality Standards (WQS).

BMP	Measurable Goals
e. WQRP: Annual Assessment	<p>Within 36 months Fort Bragg shall conduct an initial assessment of the available data and of the effectiveness of BMPs employed, to determine what, if any, additional programs, controls, partnerships, projects and strategies may be necessary to address the Waste Load Allocation (WLA) identified in the TMDL and a brief explanation as to why additional programs, controls, partnerships, projects and strategies were selected..</p> <p>Annual assessments shall be conducted thereafter.</p>
f. WQRP: Additional programs, controls, partnerships, projects and strategies.	<p>Based on the results of the initial and annual assessments, the WQRP shall describe additional programs, controls, partnerships, projects and strategies that may be necessary to address the MS4 NPDES regulated Waste Load Allocation (WLA) identified in the TMDL</p>
g. Monitoring Plan	<p>Within 36 months Fort Bragg shall develop a monitoring plan for each pollutant of concern. Fort Bragg shall maintain and implement, assess annually and update as necessary the Monitoring Plan as additional outfalls are identified and as accumulating data may suggest. Following any review and comment by the Division, Fort Bragg shall incorporate any necessary changes to monitoring plan and initiate the plan within 6 months. Modifications to the monitoring plan shall be approved by the Division.</p>
h. Implementation Plan:	<p>Within 36 months Fort Bragg shall develop an Implementation Plan that describes activities expected to occur within the remainder of the permit term and that identifies a schedule for completing the activities.</p> <p>Fort Bragg shall maintain and implement, assess annually and update as necessary the Implementation Plan</p>
i. Reporting	<p>Fort Bragg shall submit an annual report of the results of the annual assessment of the WQRP, Monitoring Plan, and Implementation Plan</p> <p>Updatesto the WQRP, Monitoring Plan and Implementation Plan are to be submitted in each annual report.</p> <p>Any monitoring data and information generated from the previous year of the monitoring program are to be submitted with each annual report.</p>

THIS PAGE INTENTIONALLY BLANK

PART III PROGRAM ASSESSMENT

1. Implementation of the Stormwater Plan will include documentation of all program components that are being undertaken including, but not limited to, inspections, maintenance activities, educational programs, implementation of BMPs, enforcement actions, and other stormwater activities. If monitoring and sampling are being performed documentation of results shall be included. Documentation will be kept on-file by Fort Bragg for a period of three years and made available to the Director or his authorized representative immediately upon request.
2. Fort Bragg's Stormwater Plan will be reviewed and updated as necessary, but at least on an annual basis. Fort Bragg will submit a report of this evaluation and monitoring information to the Division on an annual basis. Fort Bragg's reporting will include appropriate information to accurately describe the progress, status, and results of Fort Bragg's Stormwater Plan and will include, but is not limited to, the following components:
 - (a) Fort Bragg will give a detailed description of the status of implementation of the Stormwater Plan. This will include information on development and implementation of all components of the Stormwater Plan for the past year and schedules and plans for the year following each report.
 - (b) Fort Bragg will adequately describe and justify any proposed changes to the Stormwater Plan. This will include descriptions and supporting information for the proposed changes and how these changes will impact the Stormwater Plan (results, effectiveness, implementation schedule, etc.).
 - (c) Fort Bragg will document any necessary changes to programs or practices for assessment of management measures implemented through the Stormwater Plan. In addition, any changes in the cost of, or funding for, the Stormwater Plan will be documented.
 - (d) Fort Bragg will include a summary of data accumulated as part of the Stormwater Plan throughout the year along with an assessment of what the data indicates in light of the Stormwater Plan.
 - (e) Fort Bragg will provide a summary of activities undertaken as part of the Stormwater Plan throughout the year. This summary will include, but is not limited to, information on the establishment of appropriate legal authorities, project assessments, inspections, enforcement actions, continued inventory and review of the storm sewer system, education, training and results of the illicit discharge detection and elimination program.
3. The Director may notify Fort Bragg when the Stormwater Plan does not meet one or more of the lawful requirements of the permit. Within 30 days of such notice, Fort Bragg will submit a plan and time schedule to the Director for modifying the Stormwater Plan to meet the requirements. The Director may approve the corrective action plan, approve a plan with modifications, or reject the proposed plan. Fort Bragg will provide certification in writing (in accordance with Part IV, Paragraph 2) to the Director that the changes have been made. Nothing in this paragraph shall be construed to limit the Director's ability to conduct enforcement actions for violations of this permit.
4. The Division may request additional reporting information as necessary to assess the progress and results of Fort Bragg's Stormwater Plan.

THIS PAGE INTENTIONALLY BLANK

PART IV REPORTING AND RECORD KEEPING REQUIREMENTS

1. Records Retention

Visual monitoring shall be documented and records maintained at the facility along with the Stormwater Pollution Prevention Plan. Copies of analytical monitoring results shall also be maintained on-site. Fort Bragg shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this Permit for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

2. Report Submittals

- (a) A signed copy of all reports required herein , shall be submitted to the following address:

Department of Environment and Natural Resources
Division of Water Quality
Stormwater Permitting Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

and

Fayetteville Regional Office
Division of Water Quality
Surface Water Protection
225 Green Street
Systel Building Suite 714
Fayetteville, North Carolina 28301-5043

- (b) All applications, reports, or information submitted to DWQ shall be signed by duly authorized representative. A person is a duly authorized representative only if:
- (i) The authorization is made in writing by a principal executive officer or ranking elected official;
 - (ii) The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and
 - (iii) The written authorization is submitted to the Director.
- (c) Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my

inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowing submitting false information, including the possibility of fines and imprisonment for knowing violations."

3. Recording Results

For each activity performed or information collected pursuant to the requirements of this permit, Fort Bragg shall record the following information:

- (a) The dates, exact place, and time of the activity or information collected;
- (b) The individual(s) who performed activity;
- (c) The techniques or methods used; and
- (d) The results of such activity or information collected.

4. Twenty-four Hour Reporting

Fort Bragg shall report to the central office or the appropriate regional office any noncompliance that may constitute an imminent threat to health or the environment. Any information shall be provided orally within 24 hours from the time Fort Bragg became aware of the circumstances. A written submission shall also be provided within 5 days of the time Fort Bragg becomes aware of the circumstances.

The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

5. Annual Reporting

Fort Bragg will submit reporting and monitoring information on an annual basis per Part III of this permit on forms provided by the DWQ.

6. Additional Reporting

The Director may request reporting information on a more frequent basis as deemed necessary either for specific portions of Fort Bragg's Stormwater Plan, or for the entire Program.

7. Other Information

Where Fort Bragg becomes aware that it failed to submit any relevant facts in applying to be covered under this permit or in any report to the Director, it shall promptly submit such facts or information.

PART V STANDARD CONDITIONS

SECTION A: COMPLIANCE AND LIABILITY

1. Duty to Comply

Fort Bragg must comply with all lawful conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of permit coverage upon renewal application.

- (a) Fort Bragg shall comply with standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$27,500 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed \$11,000 per violation with the maximum amount not to exceed \$137,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]
- (c) Under state law, a daily civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]
- (d) Any person may be assessed an administrative penalty by the Administrator for violating sections 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

2. Duty to Mitigate

Fort Bragg shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve Fort Bragg from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS 143-215.3, 143-215.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, Fort Bragg is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve Fort Bragg from any responsibilities, liabilities, or penalties to which Fort Bragg is or may be subject to under NCGS 143-215.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

6. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

7. Duty to Provide Information

Fort Bragg shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the coverage issued pursuant to this permit or to determine compliance with this permit. Fort Bragg shall also furnish to the Director upon request, copies of records required by this permit.

8. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

9. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.

10. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

11. Permit Expiration

The permittee is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, Fort Bragg shall submit forms and fees as are required by the Division no later than 180 days prior to the expiration date.

12. Transfers

This permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name and incorporate such other requirement as may be necessary under the Clean Water Act. Fort Bragg is required to notify the Division in writing in the event the permitted facility is sold or closed.

SECTION B: OPERATION AND MAINTENANCE of POLLUTION CONTROLS

1. Proper Operation and Maintenance

Fort Bragg shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are owned and/or operated by Fort Bragg to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by Fort Bragg only when the operation is necessary to achieve compliance with the conditions of this permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for Fort Bragg in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

3. Bypassing of Stormwater Control Facilities

Bypass is prohibited and the Director may take enforcement action against Fort Bragg for bypass unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. Fort Bragg submitted notices as required under Section E of this Part.

If the Director determines that it will meet the three conditions listed above, the Director may approve an anticipated bypass after considering its adverse effects.

SECTION C: MONITORING AND RECORDS

1. Representative Sampling

When required herein, stormwater samples collected and measurements taken shall be characteristic of the volume and nature of the permitted discharge. Analytical stormwater sampling shall be performed during a representative storm event. These samples shall be taken on a day and time that is characteristic of the discharge. Where appropriate, all stormwater samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. When specified herein, monitoring points established in this permit shall not be changed without notification to and approval of the Director.

If a facility has multiple discharge locations with substantially identical stormwater discharges that are required to be sampled, Fort Bragg may petition the Director for representative outfall status. If it is established that the stormwater discharges are substantially identical and Fort Bragg is granted representative outfall status, then sampling requirements may be performed at a reduced number of outfalls.

2. Flow Measurements

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

3. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS 143-215.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this permit, all test procedures must produce minimum detection and reporting levels and all data generated must be reported down to the minimum detection or lower reporting level of the procedure.

4. Inspection and Entry

Fort Bragg shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

- a. Enter upon Fort Bragg's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

5. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Quality. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

6. Bypass

- a. Anticipated bypass. If Fort Bragg knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass; including an evaluation of the anticipated quality and affect of the bypass.
- b. Unanticipated bypass. Fort Bragg shall submit notice within 24 hours of becoming aware of an unanticipated bypass.

7. Other Noncompliance

Fort Bragg shall report all instances of noncompliance not reported under 24 hour reporting at the time monitoring reports are submitted.

8. Anticipated Noncompliance

Fort Bragg shall give notice to the Director as soon as possible of any planned changes at the permitted facility which may result in noncompliance with the Permit requirements.

9. Planned Changes

Fort Bragg shall give notice to the Director as soon as possible of any planned changes at the permitted facility which could significantly alter the nature or quantity of pollutants discharged. This notification requirement includes pollutants which are not specifically listed in the Permit or subject to notification requirements under 40 CFR Part 122.42 (a).

10. Non-Stormwater Discharges

If the storm event monitored in accordance with this Permit coincides with a non-stormwater discharge, Fort Bragg shall separately monitor all parameters as required under the non-stormwater discharge permit and provide this information with the stormwater discharge monitoring report.

11. Discharge Monitoring Reports

Samples analyzed in accordance with the terms of this permit shall be submitted to the Division on Discharge Monitoring Report forms provided by the Director. Submittals shall be delivered to the Division no later than 30 days from the date the facility receives the sampling results from the laboratory.

When no discharge has occurred from the facility during the report period, Fort Bragg is required to submit a discharge monitoring report, within 30 days of the end of the six-month sampling period, giving all required information and indicating "NO FLOW" as per NCAC T15A 02B .0506.

Fort Bragg shall record the required qualitative monitoring observations on the SDO Qualitative Monitoring Report form provided by the Division, and shall retain the completed forms on site. Visual monitoring results should not be submitted to the Division, except upon DWQ's specific requirement to do so.

PART VI LIMITATIONS REOPENER

The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

This permit shall be modified or alternatively, revoked and reissued, to comply with any effluent guideline or water quality standard issued or approved under Sections 302(b)(2)(c), and (d), 304(b)(2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved;

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit.
- b. Controls any pollutant not limited in the permit.

This permit as modified or reissued under this paragraph shall also contain other requirements in the Act then applicable.

THIS PAGE INTENTIONALLY BLANK

PART VII ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

Fort Bragg must pay the reasonable administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in a timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the permit.

THIS PAGE INTENTIONALLY BLANK

PART VIII DEFINITIONS

1. Act

See Clean Water Act.

2. Arithmetic Mean

The arithmetic mean of any set of values is the summation of the individual values divided by the number of individual values.

3. Best Management Practice (BMP)

Measures or practices used to reduce the amount of pollution entering surface waters. BMPs can be structural or non-structural and may take the form of a process, activity, physical structure or planning (see non-structural BMP).

4. Built-upon Area

Built upon area has the same meaning as in Session Law 2006-246 and means that portion of a project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.

5. Bulk Storage of Liquid Products

Liquid raw materials, manufactured products, waste materials or by-products with a single above ground storage container having a capacity of greater than 660 gallons or with multiple above ground storage containers located in close proximity to each other having a total combined storage capacity of greater than 1,320 gallons.

6. Bypass

A bypass is the known diversion of stormwater from any portion of a stormwater control facility including the collection system, which is not a designed or established operating mode for the facility.

7. Clean Water Act

The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.

8. Common Plan of Development

A construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways:

- In separate stages
- In separate phases
- In combination with other construction activities

It is identified by the documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

It can include one operator or many operators.

9. Department

Department means the North Carolina Department of Environment and Natural Resources

10. Division (DWQ)

The Division of Water Quality, Department of Environment and Natural Resources.

11. Director

The Director of the Division of Water Quality, the permit issuing authority.

12. EMC

The North Carolina Environmental Management Commission.

13. Grab Sample

An individual sample collected instantaneously. Grab samples that will be directly analyzed or qualitatively monitored must be taken within the first 30 minutes of discharge.

14. Hazardous Substance

Any substance designated in 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

15. Illicit Discharge

Any discharge to a MS4 that is not composed entirely of stormwater except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit), allowable non-stormwater discharges, and discharges resulting from fire-fighting activities.

16. Industrial Activity

Industrial activities shall mean all industrial activities as defined in 40 CFR 122.26.

17. Landfill

A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

18. Municipal Separate Storm Sewer System (MS4)

A conveyance or system of conveyances (including roads and street with drainage systems, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- a. Owned or operated by the United States, a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act (CWA) that discharges to waters of the United States or waters of the State.
- b. Designed or used for collecting or conveying stormwater;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2

19. Non-stormwater Discharge Categories

The following are categories of non-stormwater discharges that Fort Bragg must address if it identifies them as significant contributors of pollutants to the storm sewer system: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, [as defined in 40 CFR 35.2005(20)], uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the definition of illicit discharge and only need to be addressed where they are identified as significant sources of pollutants to waters of the United States).

20. Non-structural BMP

Non-structural BMPs are preventive actions that involve management and source controls such as: (1) Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along sensitive water bodies, minimize impervious surfaces, and/or minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developers and the public about minimizing water quality impacts; (4) other measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source

control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

21. Outfall

The point of wastewater or stormwater discharge from a discrete conveyance system. See also point source discharge of stormwater.

22. Overburden

Any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally-occurring surface materials that are not disturbed by mining operations.

23. Permittee

The owner or operator issued this permit.

24. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

25. Redevelopment

Means any rebuilding activity unless that rebuilding activity;

- a. Results in no net increase in built-upon area, and
- b. Provides equal or greater stormwater control than the previous development.

26. Representative Storm Event

A storm event that measures greater than 0.1 inches of rainfall. The time between this storm event and the previous storm event measuring greater than 0.1 inches must be at least 72 hours. A single storm event may have a period of no precipitation of up to 10 hours. For example, if it rains but stops before producing any collectable discharge, a sample may be collected if the next rain producing a discharge begins within 10 hours.

27. Representative Outfall Status

When it is established that the discharge of stormwater runoff from a single outfall is representative of the discharges at multiple outfalls, the DWQ may grant representative outfall status. Representative outfall status allows Fort Bragg to perform analytical monitoring at a reduced number of outfalls.

28. Residential Development Activities

Residential development activities has the same meaning as in 15A NCAC 02B .0202(54).

29. Rinse Water Discharge

The discharge of rinse water from equipment cleaning areas associated with industrial activity. Rinse waters from vehicle and equipment cleaning areas are process wastewaters and do not include washwaters utilizing any type of detergent or cleaning agent.

30. Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

31. Section 313 Water Priority Chemical

A chemical or chemical category which:

- a. Is listed in 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986;
- b. Is present at or above threshold levels at a facility subject to SARA title III, Section 313 reporting requirements; and
- c. Meets at least one of the following criteria:
 - (1) Is listed in appendix D of 40 CFR part 122 on Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table IV (certain toxic pollutants and hazardous substances);
 - (2) Is listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or
 - (3) Is a pollutant for which EPA has published acute or chronic water quality criteria.

32. Severe Property Damage

Means substantial physical damage to property, damage to the control facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

33. Significant Materials

Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

34. Significant Spills

Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (Ref: 40 CFR 302.4). Reportable quantity means that quantity, the release of which requires notification pursuant to Section 311 of the Clean Water Act (Ref: 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (Ref: 40 CFR 302.4).

35. Stormwater Discharge Outfall (SDO)

The point of departure of stormwater from a discernible, confined, or discrete conveyance, including but not limited to, storm sewer pipes, drainage ditches, channels, spillways, or channelized collection areas, from which stormwater flows directly or indirectly into waters of the State of North Carolina.

36. Stormwater Runoff

The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

37. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program.

38. Stormwater Pollution Prevention Plan

A comprehensive site-specific plan which details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

39. Ten Year Design Storm

The maximum 24 hour precipitation event expected to be equaled or exceeded on the average once in ten years. Design storm information can be found in the State of North Carolina Erosion and Sediment Control Planning and Design Manual.

40. Total Flow

The flow corresponding to the time period over which the entire storm event occurs. Total flow shall be either; (a) measured continuously, (b) calculated based on the amount of area draining to the outfall, the amount of built-upon (impervious) area, and the total amount of rainfall, or (c) estimated by the measurement of flow at 20 minute intervals during the rainfall event.

41. Total Maximum Daily Load (TMDL)

A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is a detailed water quality assessment that provides the scientific foundation for an implementation plan. The implementation plan outlines the steps necessary to reduce pollutant loads in a certain body of water to restore and maintain water quality standards in all seasons. The Clean Water Act, Section 303, establishes the water quality standards and TMDL programs.

42. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act.

43. Upset

Means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of Fort Bragg. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

44. Vegetative Buffer

Vegetative buffer has the same meaning as in 15A NCAC 02H .1002(22) and means an area of natural or established vegetation directly adjacent to surface waters through which stormwater runoff flows in a diffuse manner to protect surface waters from degradation due to development activities.

45. Vegetative Conveyance

Vegetative conveyance means a permanent, designed waterway lined with vegetation that is used to convey stormwater runoff at a non-erosive velocity within or away from a developed area. As used herein, "conveyance system" shall not include a stormwater collection system.

46. Vehicle Maintenance Activity

Vehicle or vessel rehabilitation, mechanical repairs, painting, fueling, lubrication, cleaning operations, or airport deicing operations.

47. Visible Sedimentation

Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin which can be seen with the unaided eye.

48. 25-year, 24 hour storm event

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.